IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.2380 OF 2006

Rashmi Mehra ..Petitioner.

V/s.

The Director General of Foreign Trade ..Respondent.

Ms.Avanee Dalal i/b.Yusuf & Associates for petitioner.

Mr.A.M.Sethna for respondent.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 28TH SEPTEMBER, 2006.

P.C. :-

. Heard Ms.Dalal in support of the petition. Mr.Sethna, appears for respondent.

2. Petition seeks to challenge the order passed by the Additional D.G.F.T. dismissing the appeal filed by the petitioner by order dated 17th February, 2006. The appeal is dismissed for two reasons, firstly for non payment of pre-deposit amount and secondly, non submission of original documents.

3. Rule, returnable forthwith.

4. We have heard the counsel. Ms.Dalal appearing for petitioner states that thought belatedly, but the petitioner is ready to deposit 50% of the penalty which she has been directed to deposit. She seeks 8 weeks time to deposit this amount. Ms.Dalal states that the activities of the concern of which the

petitioner is the sole proprietor are no longer going on. In view of this submission, we grant 8 weeks time to the petitioner to deposit the amount.

5. In the event this amount is so deposited, the appeal will stand restored to the file of Additional D.G.F.T. We further add that during this period of 8 weeks, no steps to recover the penalty amount will be taken and if the amount is so deposited no steps will be taken during the pendency of the revived appeal.

6. The second request of Ms.Dalal is that it may not be insisted that the petitioner should produce the original documents evidencing the fulfilment of the export obligation. She states that since the exports had taken place in the year 1992, the originals are not available. She relies upon the public notice dated 2nd January, 2005 permitting production of photo copies. In our view, it would for the Appellate Authority to examine the submissions of the petitioner and decide the appeal on its own merits.

7. We further make it clear that in the event the deposit is not made within 8 weeks, it would be open for the respondents to enforce their order.

8. Rule is made absolute in the above terms with no order as to costs.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)